

ZB# 06-21

Thomas Hurley

76-4-13

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Decision 5-22-06

06-21 Thomas Hueley - Area - Page 1
2036 Independence Dr.
(76-4-13)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 76-4-13

In the Matter of the Application of

THOMAS HURLEY

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #06-21

WHEREAS, Thomas Hurley, owner(s) of 2036 Independence Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 5 ft. Side Yard Setback and; 3 ft. Rear Yard Setback for proposed 24' above-ground pool in an R-3 Zone (76-4-13)

WHEREAS, a public hearing was held on May 22, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-3 zone.
 - (b) In constructing the Pool, the applicant will not remove any trees or substantial vegetation.

- (c) In building the Pool, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (d) In building the pool the applicant will not create the ponding or collection of water or divert the flow of water drainage
- (e) The pool will be similar in size and nature to other pools in the neighborhood.
- (f) The pool will not be attached to the dwelling unit.
- (g) The pool will be surrounded by a fence which will be more than four feet away from the pool.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

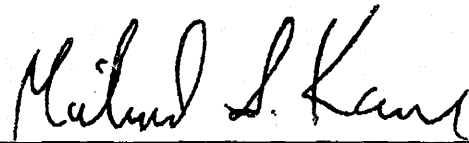
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 5 ft. Side Yard Setback and; 3 ft. Rear Yard Setback for proposed 24' above-ground pool at 2036 Independence Drive (THE RESERVE) in an R-3 Zone (76-4-13) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: May 22, 2006

A handwritten signature in cursive script, reading "Michael S. Kane", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: March 29, 2006

**APPLICANT: Thomas Hurley
2036 Independence Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/29/06

FOR : Proposed 52" above-ground pool.

LOCATED AT: 2036 Independence Drive

ZONE: R-3 Sec/Blk/ Lot: 76-4-13

DESCRIPTION OF EXISTING SITE: one-family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed 52' above-ground pool will not meet minimum 10 ft. side, 10 ft. rear yard set-back.**

COPY


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: Bulk Tables 300-24 (A)

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:	10'	5'	5'
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REQ'D TOTAL SIDE TD:	10'	7'	3'
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REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU ☐ CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

MAR 29 2006

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percol test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2006-224

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Thomas Hurley

Address 2026 Independence Drive Phone # (914) 261-6560

Mailing Address Same Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor West Rock Pools
Address 21 North Middletown Rd. Phone 845-947-4200
Namut NY 10954
State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the North side of North Independence
(N, S, E or W)
and 1000 feet feet from the intersection of McKinley Drive
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y N
3. Tax Map Description: Section 76 Block 4 Lot 13
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy _____ b. Intended use and occupancy Swimming
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front _____ Rear 24' Round Depth _____ Height 5' 11" No. of stories 1
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$3,000 Fee _____

ZONING BOARD

le
Frank

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lal & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 863-4818
(845) 863-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

2036 Independence Pkwy
(Address of Applicant)


(Owner's Signature)

(Owner's Address)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

W

E

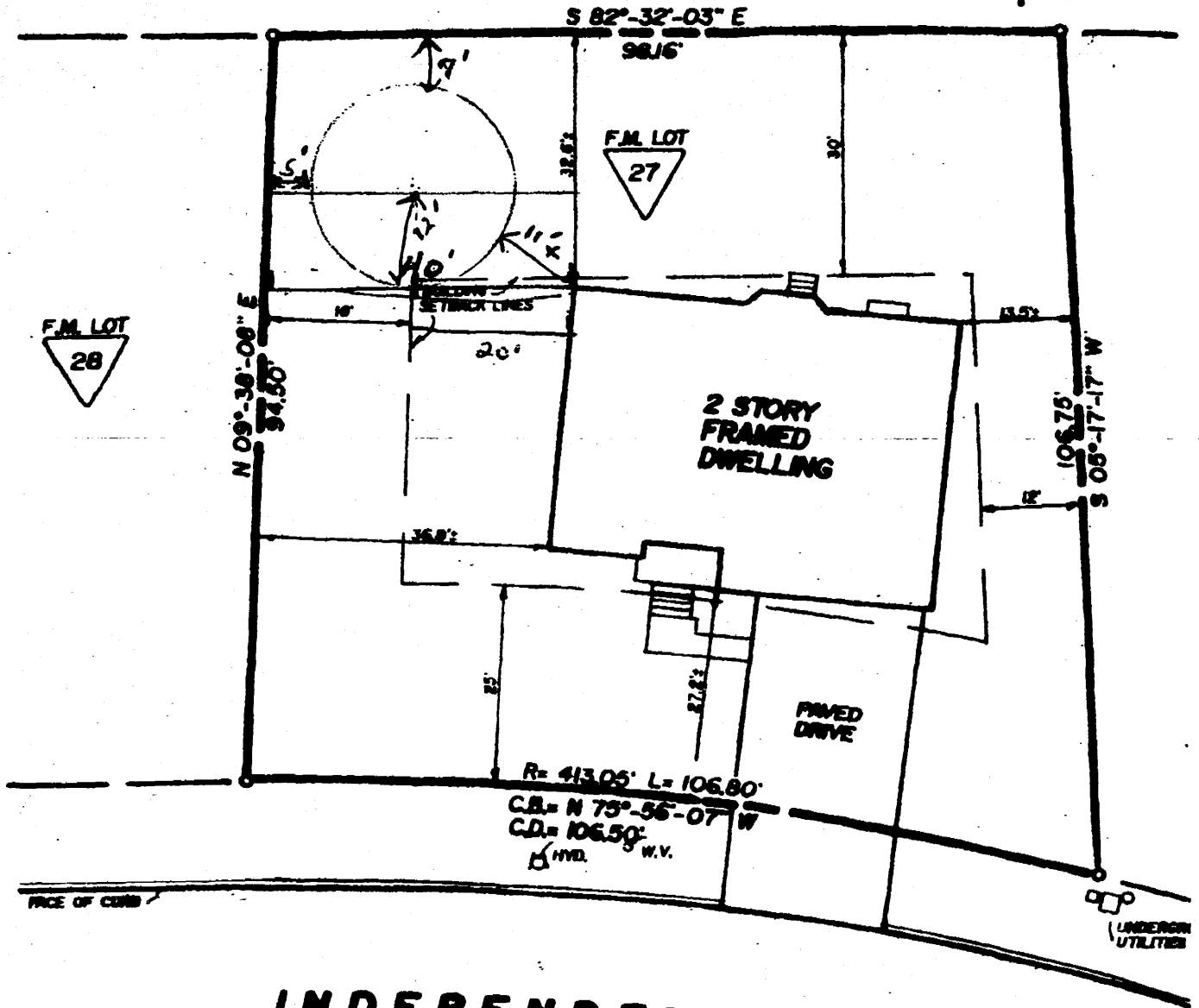
S

SEALING STAMP

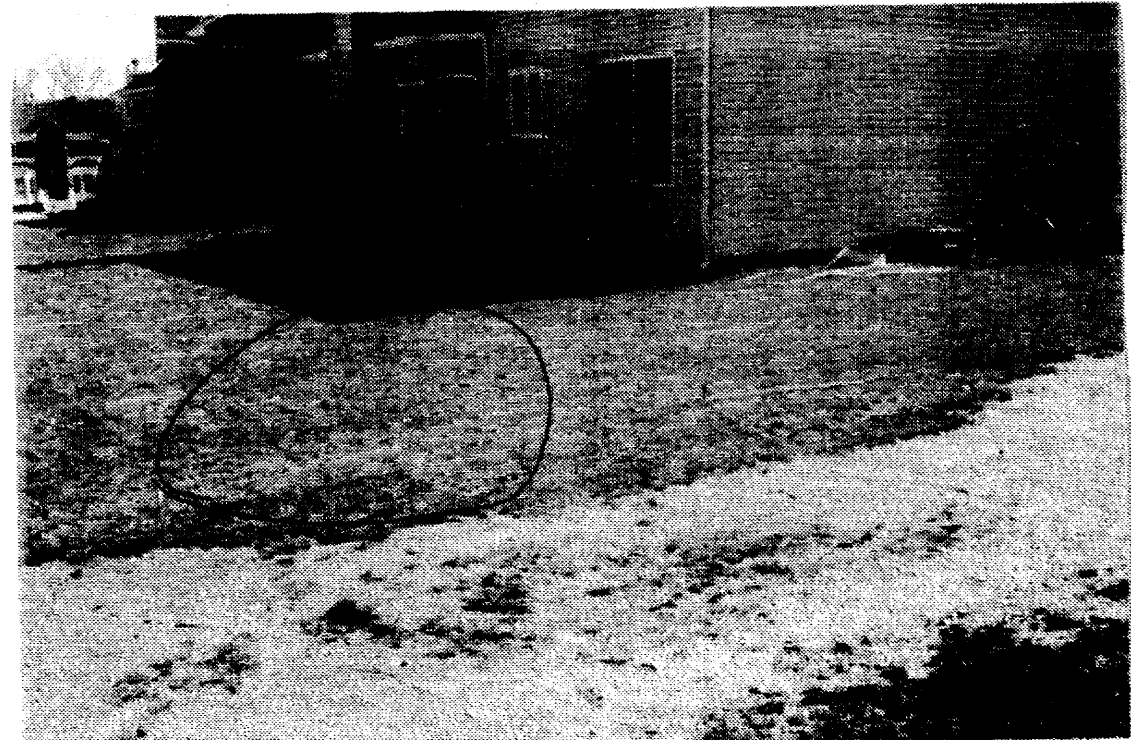
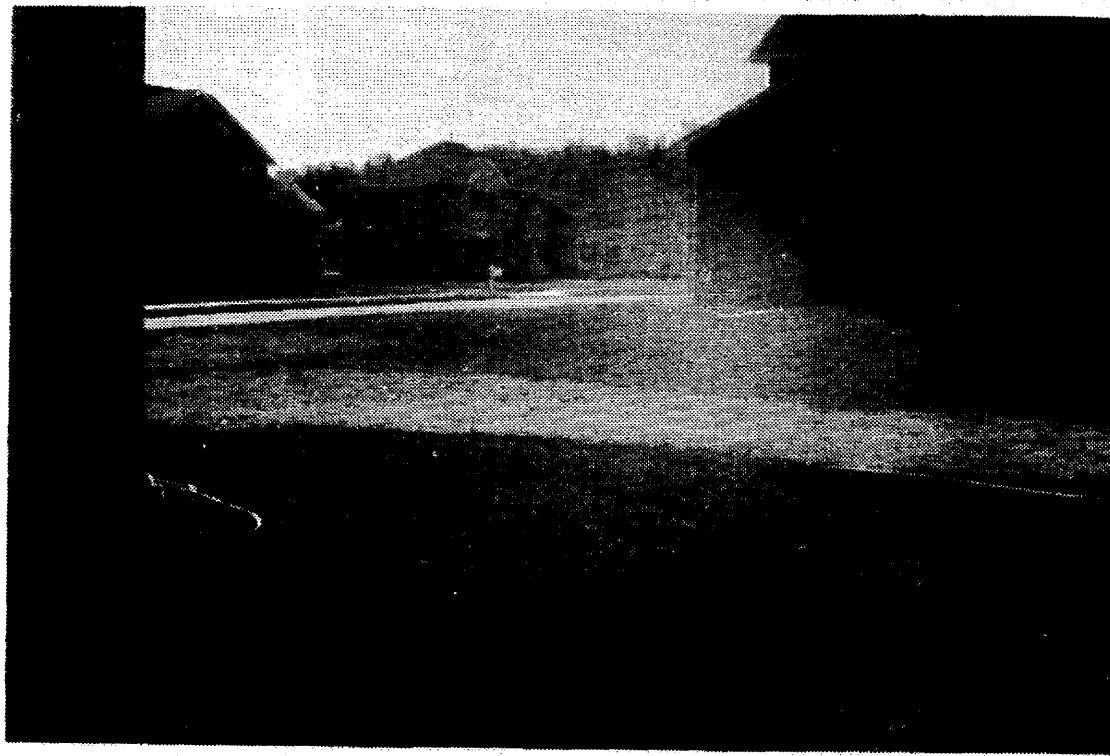
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT

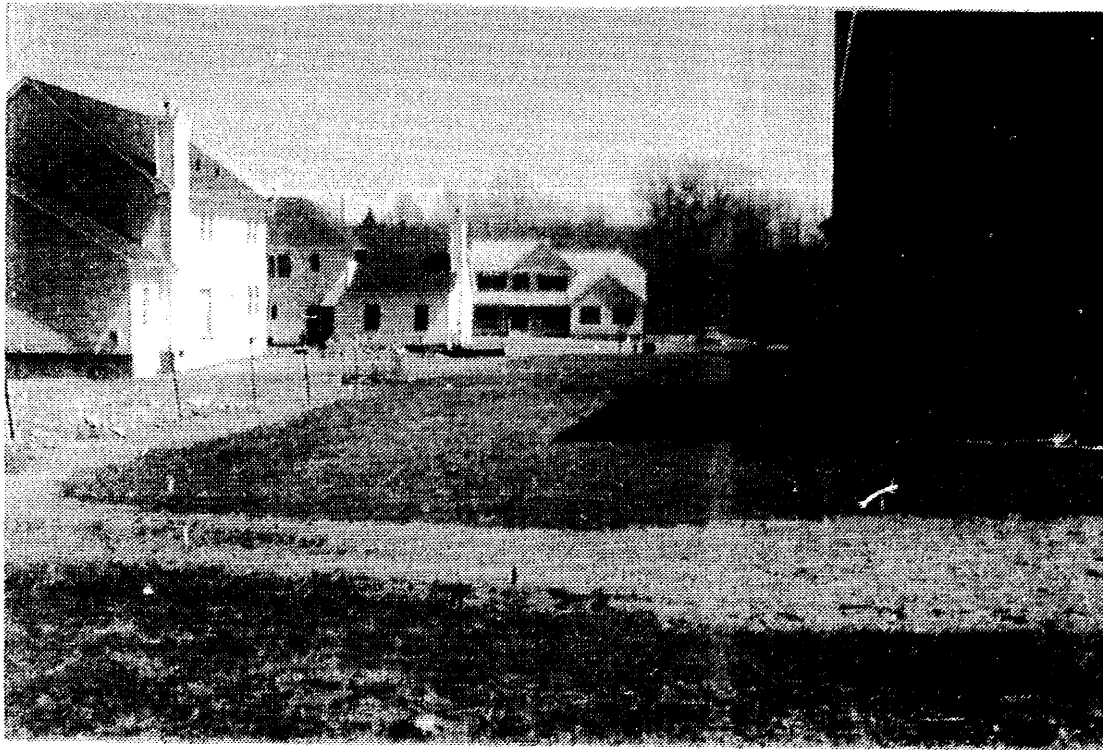
F.M. LOT
22

24' Round pool



INDEPENDENCE DRIVE
(UNDER CONSTRUCTION)





**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JULY 25, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 176.88 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-21

NAME & ADDRESS:

**Thomas Hurley
2036 Independence Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.07-25-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-21 TYPE: AREA TELEPHONE: 567-0817

APPLICANT:

Thomas Hurley
2036 Independence Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>3522</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 3523



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 5/5/06 \$ 11.12

TOTAL:	\$ <u>53.12</u>	\$ <u>70.00</u>
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ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>123.12</u>

AMOUNT DUE: \$ _____

REFUND DUE: \$ 176.88

Cc:

L.R. 07-25-06

Invoice



THE SENTINEL

P.O. BOX 406
TAILS GATE, NY 12584

Date	Invoice #
5/23/2006	7704

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

W. M.

P.O. No.	Terms	Project
44792	Due on receipt	

Issue Date	Description	PCS/Units	Amount
5/5/2006	LEGAL ADS: VARIANCE THOMAS HURLEY 1 AFFIDAVIT	7.12 4.00	7.12 4.00
RECEIVED JUN 16 2006			
Total			\$11.12

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218

State of New York
County of Orange, ss:
Patricia Quill being duly
sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1X
in said newspaper, commencing on
the 5 day of May A.D., 2006
and ending on the 5 day of May
A.D. 2006

Patricia Quill

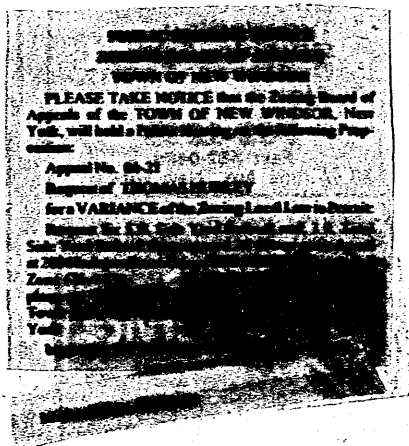
Subscribed and shown to before me
this 5th day of June, 2006 _____.

Deborah Green

Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4804005
Commission Expires July 15, 2007

My commission expires _____



THOMAS_HURLEY_(06-21)

MS. GANN: Request for 5 foot side yard setback and 3 foot total side yard setback for proposed 52" above-ground pool at 2036 Independence Drive (The Reserve).

Mr. Thomas Hurley appeared before the board for this proposal.

MR. HURLEY: What I'm requesting is a, to install on the rear corner of the property a 24 foot round by 52 inch high above-ground pool for the purpose of the family's use.

MS. GANN: Looks like you have won't be taking out any substantial vegetation in building the pool.

MR. HURLEY: No, plenty of sun there.

MS. GANN: What sort of pool will it be?

MR. HURLEY: Just an above-ground round.

MR. LUNDSTROM: Tom, you mentioned that there was a typo in the presentation, which is the typo, a five foot side yard or three foot?

MR. HURLEY: Should be a 52 inch in height, 24 foot round.

MR. LUNDSTROM: Do you envision a deck around the pool?

MR. HURLEY: If we end up putting a deck on it wouldn't be substantial, just be something to climb up, it's not for chairs or anything like that, doesn't come with a deck.

MS. GANN: So won't be attached to the house?

MR. HURLEY: No, intend on putting a patio in the back, not a deck.

MR. LUNDSTROM: If the deck goes onto the pool, would it be close between the pool and the side or the back?

MR. HURLEY: No, I would put it for access to the side where you'd come out the back door and then the patio would be there and you'd have brick pavers or something over to the pool.

MR. LUNDSTROM: What are your current setbacks?

MR. BABCOCK: The deck would have to be 10 feet from the property line which he could do, he couldn't go the whole length of the pool, he'd have to come back three foot, you know, you're talking about putting the deck possibly in this area so you'd have to maintain 10 feet from the property line with the deck and then he couldn't come back to the house, he would have to, he can't attach the house with it.

MR. HURLEY: Is there also a 10 foot variance from the house to the side of the deck?

MR. BABCOCK: No, actually once it touches the house then it needs to be 40 feet off the property line.

MR. HURLEY: As long as I don't touch the house there would be more than ample space there, I'm not looking for a big deck of any kind.

MS. GANN: Any other questions from the board?

MS. GANN: Just for the record, we'd like to know why it is that you need to be obviously here at the board to get the variance that you're looking for that you can't be within the required limits?

MR. HURLEY: Well, the way the house is situated on the

April 24, 2006

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lot unless I put it somewhere in the front of the house I'm limited within a foot of the house, I'm limited on my selections.

MR. TORPEY: Looks like the best spot.

MR. HURLEY: The other side of the house is the air conditioning unit and the power comes in the other side of the house.

MS. GANN: Okay, I'll accept a motion.

MR. LUNDSTROM: Madam Chairman, I will offer a motion to schedule a public hearing for Thomas Hurley's request for five foot side yard setback and three foot total side yard setback for proposed 52 inch height above-ground pool at 2036 Independence Drive, The Reserve, in an R-3 zone, section, block and lot 76-4-13.

MS. LOCEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

THOMAS_HURLEY_(06-21)

Mr. Thomas Hurley appeared before the board for this proposal.

MR. KANE: Request for 5 ft. side yard setback and 3 ft. total side yard setback for proposed 24' above-ground pool at 2036 Independence Drive. Just like the preliminary meeting, tell us what you want to do.

MR. HURLEY: My name is Tom Hurley, I'm the owner and resident on 2036 Independence Drive, I'd like to put a 24 foot round above-ground pool in the rear quarter of the yard.

MR. KANE: Cutting down trees, substantial vegetation in the building of the pool?

MR. HURLEY: No.

MR. KANE: Creating any water hazards or runoffs?

MR. HURLEY: No.

MR. KANE: And for your neighborhood you don't consider the pool to be overly big?

MR. HURLEY: No.

MR. LUNDSTROM: Any easements running through where you want to put the pool?

MR. HURLEY: No.

MR. KANE: You're going to have this fenced in, your yard?

MR. HURLEY: Yes.

May 22, 2006

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MR. KANE: And the pool will be more than four feet away from the fence showing five feet here?

MR. HURLEY: Yes, actually, it's going to be a little more.

MR. LUNDSTROM: Pool will not be attached to the dwelling that's there?

MR. HURLEY: No.

MR. KANE: Okay, I will ask if anybody in the audience is here for this particular hearing? Nobody cares. We'll bring it back to Myra, how many mailings?

MS. MASON: On May 5, I mailed out 37 envelopes and had no response.

MR. KANE: Any further questions?

MS. LOCEY: Would you identify where in these photos the pool will go?

MR. HURLEY: Right here.

MR. KANE: Any further questions? I'll accept a motion.

MS. LOCEY: I will offer a motion on the application of Thomas Hurley to grant his request for five foot side yard setback and three foot total side yard setback for proposed 24 foot above-ground pool at 2036 Independence Drive.

MS. GANN: I will second the motion.

MR. KANE: One question, Mike, is that 7 foot off the back he's going to need a three foot rear?

MR. BABCOCK: Yeah, it's on here.

May 22, 2006

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MR. KANE: Says total side.

MR. BABCOCK: We got it in the wrong spot, Mr. Chairman.

MR. KANE: So we're going to correct that to rear three foot rear yard?

MS. LOCEY: Three foot rear yard setback so to amend the resolution to indicate three foot rear yard setback.

MR. BABCOCK: On the first sheet it's x'd then it's rear yard, I don't know how but I'm sure it's fine.

MS. LOCEY: I will offer a motion to grant on the application of Thomas Hurley his request for five foot side yard setback and three foot rear yard setback for proposed 24 foot above-ground pool all the 2036 Independence Drive in an R-3 zone.

MS. GANN: I will second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: May 22, 2006

PROJECT: Thomas Hurley ZBA # 06-21
P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) LO S) G. VOTE: A 5 N 0.

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	A

CARRIED: Y ☒ N ☐.

[illegible]

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

THOMAS HURLEY

**AFFIDAVIT OF
SERVICE
BY MAIL**

#06-21

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 5TH day of MAY, 2006, I compared the 37 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

16th day of May, 2006

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

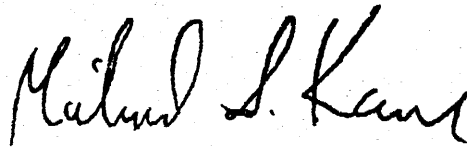
Appeal No. 06-21

Request of THOMAS HURLEY

for a VARIANCE of the Zoning Local Law to Permit:

Request for 5 ft. Side Yard Setback and; 3 ft. Total Side Yard Setback for proposed 24' above-ground pool at 2036 Independence Drive (THE RESERVE) in an R-3 Zone (76-4-13)

PUBLIC HEARING will take place on MAY 22ND, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

Ann



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

April 27, 2006

Thomas Hurley
2036 Independence Drive
New Windsor, NY 12553

Re: 76-4-13 ZBA#: 06-21 (37)

Dear Mr. Hurley:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Todd Wiley".

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

32-2-53

Newburgh Water Supply
City Comptroller – City Hall
Newburgh, NY 12550

64-2-19

Donald Cambridge
Sabrina Walker-Cambridge
2043 Independence Drive
New Windsor, NY 12553

64-2-22

George & Annmarie Weir
2037 Independence Drive
New Windsor, NY 12553

64-2-27

Agustin & Milagros Dorego
2651 Liberty Ridge
New Windsor, NY 12553

64-2-31

Norman & Doreen Edwards
2643 Liberty Ridge
New Windsor, NY 12553

76-2-38

Eugene Baybay
Blanca Lemos
2909 McKinley Court
New Windsor, NY 12553

76-4-16

Rakowski Family Irr. Trust
Michal & Christina Klim
2042 Independence Drive
New Windsor, NY 12553

77-1-7

Shawn Carter
Ebony Johnson Carter
2650 Liberty Ridge
New Windsor, NY 12553

77-1-10

Jose & Maye Terrazola
2656 Liberty Ridge
New Windsor, NY 12553

77-1-14

Eric & Linda Spisany
2806 Cherry Tree Way
New Windsor, NY 12553

64-2-17

Douglas Pettus
Virna Jusino
2047 Independence Drive
New Windsor, NY 12553

64-2-20

Stanley & Beena George
2041 Independence Drive
New Windsor, NY 12553

64-2-25

Richard & Rosa Walker
2655 Liberty Ridge
New Windsor, NY 12553

64-2-28

Mario & Theresa Bullicer
2649 Liberty Ridge
New Windsor, NY 12553

76-2-36

Lawrence & Andrea O'Rourke
3002 Molly Pitcher Drive
New Windsor, NY 12553

76-3-11

Mt. Airy Estate, Inc.
c/o Sarna Enterprises
15 Engle Street – Suite 10
Englewood, NJ 07631

77-1-5

Annette & Giovanni Flores
2646 Liberty Ridge
New Windsor, NY 12553

77-1-8

Derek Barbier
Maritza DeJesus Barbier
2652 Liberty Ridge
New Windsor, NY 12553

77-1-11

Pierre Percy
Stephanie Wright Percy
2658 Liberty Ridge
New Windsor, NY 12553

77-1-15

Brian & Maria Lewis
2808 Cherry Tree Way
New Windsor, NY 12553

64-2-18

Melba Fawcett Sands
2045 Independence Drive
New Windsor, NY 12553

64-2-21

John & Eileen Weber
2039 Independence Drive
New Windsor, NY 12553

64-2-26

Rolly & Susana Tina
2653 Liberty Ridge
New Windsor, NY 12553

64-2-30

Timmy Vazquez
Carla Diaz Vazquez
2645 Liberty Ridge
New Windsor, NY 12553

76-2-37

Michael Williams
Sherry Font Williams
2907 McKinley Court
New Windsor, NY 12553

76-4-14

Israel Perez
Therezabeth Garcia
2038 Independence Drive
New Windsor, NY 12553

77-1-6

Yury Matuska
2648 Liberty Ridge
New Windsor, NY 12553

77-1-9

Anthony & Kerri Bianchi
2654 Liberty Ridge
New Windsor, NY 12553

77-1-13

Luis Diaz
Christine Lohrfink Diaz
2804 Cherry Tree Way
New Windsor, NY 12553

77-1-16

Junior Gonsalves
2810 Cherry Tree Way
New Windsor, NY 12553

77-1-17

Richard & Josephine Romano
2812 Cherry Tree Way
New Windsor, NY 12553

77-1-18

Donald & Karlene Mitchell
2814 Cherry Tree Way
New Windsor, NY 12553

77-1-19

Donald & Kathleen DeMatteo
2816 Cherry Tree Way
New Windsor, NY 12553

77-3-10

Carolyn & James Berkowitz
2028 Independence Drive
New Windsor, NY 12553

77-3-11

Steven Lui
2902 McKinley Court
New Windsor, NY 12553

77-3-12

John & Isabel Hernandez
2904 McKinley Court
New Windsor, NY 12553

77-3-13

Joseph & Kathi Cavallo
2906 McKinley Court
New Windsor, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

May 2, 2006

Thomas Hurley
2036 Independence Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-21

Dear Mr. Hurley:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The charge for publication in the Sentinel will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

2036 Independence Drive
New Windsor, NY

is scheduled for the May 22nd, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#325-2006

04/21/2006

Hurley, Thomas
6 Garyann Terrace
Stony Point, NY 10980

Received \$ 50.00 for Zoning Board Fees, on 04/21/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA 06.21

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 04-20-2006

FOR: ESCROW 06-21

FROM:

Thomas Hurley
2036 Independence Drive
New Windsor, NY 12553

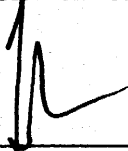
CHECK FROM:
SAME

CHECK NUMBER: 3523

TELEPHONE: 567-0817

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

4-21-06

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: April 24, 2006

PROJECT: Thomas Hurley

ZBA # 06-21

P.B.# _____

NEED: EAF

PROXY

LEAD AGENCY: M)_____S)_____ VOTE: A____N____

CARRIED: Y____N____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

CARRIED: Y____N____

NEGATIVE DEC: M)_____S)_____ VOTE: A_____N_____

CARRIED: Y____N____

APPROVED: M)_____S)_____ VOTE: A_____N_____

CARRIED: Y____N____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lu S) Lo

VOTE: A 4 N 0

KANE

CARRIED: Y ☒ N ☐

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A ___ N___.

KANE

CARRIED: Y_____N_____.

[illegible]

Submitted

24' Round pool

F.M. LOT

22

S 82°-32'-03" E

98.16'

F.M. LOT

27

F.M. LOT

28

N 09°-38'-08" E

97.50'

18'

20'

36.82'

25'

R= 413.05' L= 106.80'

C.B.= N 75°-56'-07" W

C.D.= 106.50' W.V.

HYD.

2 STORY
FRAMED
DWELLING

PAVED
DRIVE

106.75'

S 05°-17'-17" W

12'

FACE OF CURB

UNDERGROUND
UTILITIES

INDEPENDENCE DRIVE
(UNDER CONSTRUCTION)

FACE OF CURB



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

April 21, 2006

Thomas Hurley
2036 Independence Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-21

Dear Mr. & Mrs. Hurley:

This letter is to inform you that you have been placed on the April 24th, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2036 Independence Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

CHECKED BY MYRA: OK @ 4/20/06

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 04-20-2006 PROJECT NUMBER: ZBA# 06-21 P.B. # _____

APPLICANT NAME: THOMAS HURLEY

PERSON TO NOTIFY TO PICK UP LIST:

Thomas Hurley
2036 Independence Drive
New Windsor, NY 12553

TELEPHONE: 567-0817

TAX MAP NUMBER: SEC. 76 BLOCK 4 LOT 13
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 2036 INDEPENDENCE DRIVE
NEW WINDSOR, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 3524

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

4/11/06
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 567-0817
Fax Number: (845) 567-0919
Thomas Hurley
(Name)
2036 Independence Drive New Windsor NY 12553
(Address)

II. Applicant:

Phone Number: () 567-0817
Fax Number: () 567-0919
Thomas Hurley
(Name)
2036 Independence Dr New Windsor NY 12553
(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: () 567-0817
Fax Number: () 567-0919
Thomas Hurley
(Name)
2036 Independence Dr New Windsor NY 12553
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()
Fax Number: ()

(Name)

(Address)

V. Property Information:

Zone: R-3 Property Address in Question: 2036 Independence Dr
Lot Size: .25 Acre Tax Map Number: Section 76 Block 4 Lot 13
a. What other zones lie within 500 feet? R-3
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? 12/05
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10'	5'	5'
Reqd. Rear Yd.	10'	7'	3'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

We are requesting the variance
in order to further enjoy our property during the
summer season. We intend to purchase a high
quality above ground pool to be installed by a
professional.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

ROCKLAND) SS.:

COUNTY OF ~~ORANGE~~)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

10th day of April 2006,

LESLIE M. SAUNDERS

Notary Public, State of New York

01SA6039401 Qualified in Orange County

Commission Expires March 27, 2010


Signature and Stamp of Notary


Owner's Signature (Notarized)

Thomas Hurley
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
* ESCROW :	\$300.00
** DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
* ESCROW :	\$500.00
** DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
* ESCROW :	\$500.00
** DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
* ESCROW :	\$500.00
** DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list -- they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.